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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Clever LOPEZ-Hernandez** Defendant.	Magistrate Case No. '08 MJ 2242 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien Without Presentation

The undersigned complainant being duly sworn states:

On or about **July 23rd, 2008**, within the Southern District of California, **Clever LOPEZ-Hernandez (Defendant),** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Yolanda MENDOZA-Ortiz,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

SIGNATURE OF COMPLAINANT
Alfredo Loperena, Enforcement Officer
U.S. Customs and Border Protection

Sworn to before me and subscribed in my presence, this **24th** day of **July, 2008.**

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Yolanda MENDOZA-Ortiz** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On **July 23, 2008,** at approximately 3:10 AM, **Clever LOPEZ-Hernandez (Defendant)** made application for admission into the United States from Mexico through the vehicle primary lanes at the San Ysidro Port of Entry. Defendant was the driver and sole visible occupant and registered owner of a 1993 Mercury Villager. Upon inspection by a United States Customs and Border Protection (CBP) Officer, Defendant presented a valid I-551 Permanent Resident Card bearing his name and photograph. During a primary inspection, Defendant stated he was en route to work in San Diego, California. Defendant stated he worked as a security guard and declared his personal tools. Defendant stated he had owned the vehicle for three (3) months. The officer noticed that Defendant was focused on eating a sandwich during the inspection. The officer began a cursory inspection of the vehicle interior. As the officer moved from the rear interior area to the front passenger area, he noticed Defendant was gripping the steering wheel tightly with both hands, and staring straight ahead. The officer inspected the dashboard area and noticed the vents on top of the dashboard were blocked off. The officer requested assistance and two officers responded and discovered what appeared to be a non factory compartment in the dashboard. One of the officers used a screwdriver to pry a gap between the dash and a piece of sheet metal and observed what appeared to be a human head. Defendant and vehicle were escorted to the secondary lot.

In secondary, a CBP Officer used physical force to gain access into the compartment. An adult female was found resting on her back with her arms crossed. A CBP Officer assisted the female to a seated position and aided in removing her from the compartment. The female is now identified as **Yolanda MENDOZA-Ortiz (Material Witness).** Material Witness was determined to be a citizen of Mexico without legal entitlements to enter, pass through, or reside in the United States.

During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and agreed to submit to questioning without an attorney present. Defendant stated he resides in Tijuana, Mexico. Defendant stated he bought the vehicle on April 18th, 2008. Defendant stated he stores his vehicle overnight at the home of an acquaintance in Tijuana because he fears the vehicle would be broken into or stolen near his residence. Defendant was not able to provide the name or address of his acquaintance. Defendant stated on July 23rd, 2008, at around 2:30 a.m. he arrived to the house where he stores the vehicle, started the engine, and drove to the port of entry. Defendant stated he was traveling to Mira Mesa or Escondido, California to seek employment. Defendant stated he has not had a stable employment since January of this year. Defendant stated he intended to leave the vehicle parked at a friend's house near Palomar Avenue in Chula Vista; or leave it at the Trolley Station if his friend was not home because he did not have enough money for gas. Defendant denied knowledge of the concealed alien in the vehicle.

During a videotaped interview, Material Witness declared she is a citizen of Mexico who has no legal right to enter the United States. Material Witness stated she intended to travel to San Jose, California. Material Witness stated she was to pay $3,500 USD to be smuggled into the United States. Material Witness stated a male named "David" affected her concealment in the vehicle. Material Witness stated that immediately after her concealment in the compartment, the vehicle drove for about five minutes before stopping, at which time she heard the driver exit the vehicle. Material Witness stated she could hear David talking to another unknown man. Material Witness stated she heard the unknown man tell David that he (unknown man) was very hungry.